
Women and Property in Cameroon: Laws and Reality

The agricultural force on the continent

In Cameroon as in many African countries, women daily endure practices that could be considered discriminatory in various areas of society, and especially related to land ownership. “In our family, a woman is a good, like a house or a plantation,” said Léon Mba, leader of the Pamue Congress in 1949. (1)

Since the president of Cameroon announced the launch of reforms at the agro-pastoral assembly on January 17, 2011, the issue of land tenure has been at the center of the debate in Cameroon. Even more central is the issue of women's access to land, since—as women's rights groups point out—women could be unwilling or unable to invest in land they do not own. According to some women's rights defenders, it is necessary to clear up this situation since “almost no women have access to formal tenure rights. This exclusion weakens women's ability to invest in the use of their lands.” Customary law applies in this predominantly patriarchal context, in which women do not inherit land and consequently have no formal control over it. African women produce 60% of the staple food and own only 1% of land on the continent; these figures are similar in Cameroon, where women constitute 70% of the workforce. (2) Statistics show that this problem exists not only in Cameroon. According to recent estimates, women in Sub-Saharan Africa account for over 70% of the agricultural labor force on the continent and produce close to 90% of food products. Since customary law only grants them access to but no rights to land, it is important to distinguish among access, use and control. In rural areas, land is the main source of income and subsistence. Therefore in practice, their lack of control exposes women to great insecurity and makes their economic situation very precarious, particularly in a context of large-scale land grabs.

This article has four parts. The first focuses on the context of customary law in Cameroon; the second shows how difficult it is for women to access land, due to the weight of tradition; the third explains how this difficulty is compounded by changes in a woman's marital status; and the last compares rural women's situation with that of women in large cities, in order to show the urgency of solving the problem of land tenure for rural women.

The evolution of land tenure in Cameroon and its impacts on women's property rights

We cannot discuss women's tenure rights in Cameroon without briefly examining the evolution of those rights in the country. In effect, Cameroon tenure rights are characterized by the coexistence of customary law and “positive” or “modern” law. Cameroonian land tenure makes a distinction between registered and privately owned lands, and unoccupied lands that belong to the State but which are used by traditional communities. Moreover, the 1974 ordinance—which establishes that registration is the only proof of ownership—further complicates the situation for rural communities. Indeed, the rural sector is mainly governed by customary law, which has not yet integrated the question of land titling. In this situation, women's right to land is a problematic and unresolved issue.

Land is an important factor in the development process, and is central in the fight against poverty in rural populations. Territorial legislation in Cameroon recognizes equal rights for men and women. However in practice, women are subject to marginalization that comes from traditional discriminatory practices. They are the ones who own the least amount of land in the world—only about 10%—and they daily face a situation of dependency. It is thus necessary to reflect on why rural women face this discriminatory situation, and why their inability to own land currently poses a problem in this context.

Patriarchal practices and difficult access to land for women

In rural areas, land is collectively managed. Women in Cameroon have a central role in said management, yet they are the first ones to be affected by territorial insecurity, which weakens their ability to invest. This can be explained by the discriminatory nature of rural land management. As mentioned above, women generally do not own land. Most often, women are allocated a small plot of land on which to cultivate, but the “property” itself belongs to her family or her husband. In this context, women do not acknowledge the written law that guarantees their rights to land; and furthermore, traditional uses and customs lead them to exercise a kind of self-exclusion from tenure issues in their communities, which is perceived as a men's matter.

It seems clear that individualism does not count in a world governed by customs, nor does total freedom exist in the sense in which we understand this word. In these societies, women appear to be subjected to men and the obligations the latter impose on them. Whether in the family a woman marries into or their family of birth, women are always under men's authority. Only men have the right to land, and this right is divided amongst the men of a family. As in most African countries, these systems of patriarchal management exist in Cameroonian villages. This is in spite of the fact that rural women can be the motor in the struggle to develop, even though they are for the large part peasants without land because traditional customs prevent them from inheriting it. In short, they do not have direct access to land.

Does a change in a woman's marital status affect her customary land rights?

Customary law grants single women a piece of land that they can use their whole life; but if a woman decides to get married, this land returns to her family of birth.

On the other hand, a married woman acquires access to land through her husband, and she has the freedom to choose how she will use the land; the majority grow food. Generally, married women only have usufruct rights of the land they use. The marital regime usually does not apply in rural areas, where most couples have common-law or polygamous marriages. Nevertheless, it is necessary to understand a woman's marital status to understand the degree of access and control she has to land because of these interactions between different sets of laws — be they religious, customary, civil or otherwise.

A widow's situation varies depending on whether she has children. If she does not, the family she married into might expel her and take away her land. Thus, having children is a necessary condition for her to continue using land. For example in Ndikibil —a village in Ndikinimeki —as in many other regions in Cameroon, when a woman loses her husband it is common for the family to take away her lands. Even if she has had children, the decision often depends on the greed of her late husband's family members, who can argue that she only had daughters, or that her sons are too young to claim their right to their father's lands.

The fragility of rights is thus a consequence of applying customary norms, which are justified by citing

the need to preserve traditional heritage. Traditional authorities allege the following reasons, among others:

A woman's situation is not stable, in the future she ought to get married;

A man prevails over a woman as head of the household;

Traditional practices only grant women the right to work the land but not be its owners;

A woman who owns land could easily be deceived and give her lands away to the man she falls in love with.

Thus, according to those who protect tradition, excluding women in matters of land succession is a way of preserving the family heritage.

The relationship between territorial law and customary law for women

In terms of ownership, women living in cities have a different situation from those living in rural areas. Even if the land traditionally belongs to men—who are entitled to inherit and administer it—women who live in the city and have the financial means to do so, can buy land, just like men. This is increasingly common in cities for single as well as for married women with separated property holdings among spouses. However, in rural areas this does not happen, because village societies are patriarchal; and it is men who inherit the land and decide how to use it. This situation persists in spite of the 1996 Constitution that guarantees the right to land ownership regardless of sex. This shows how important customary rights regimes are when it comes to tenure rights in rural areas, even as the common law seems to restrict its influence by advocating non-discrimination and equality for all.

Rural women's situation summarizes all study of their patrimonial rights, as they live under permanent tutelage. The customary rights regime in Cameroon today does not recognize women's rights to own land. Women's opinions on territorial issues matter very little because, according to proponents of traditional law, a woman's status is constantly changing [because with marriage she would switch family, and thus move onto land elsewhere]. Furthermore, there is a clear difference between young single women and married women: in some sense a young single woman is held in higher esteem and more likely to be granted usufruct rights to a plot. A married woman is always considered an outsider by the family she married into; believed to never fully separate from her family of birth, and is always ready to abandon the land in the event of divorce or her husband's death.

Conclusion

In light of the analysis of women's land tenure in Cameroon, it seems clear that we must find a way to reconcile customary law and common law so that women can enjoy secure access to land, and at the same time, take precautions to prevent their villages from losing their traditional heritage. Certainly we must look beyond political reforms and adopt a real change in both men and women's behavior vis-a-vis women's right to land; given that women's right to land is essential not only for themselves, but also to ensure collective food security.

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(1) Quoted by G. Baladier in "Sociologie de l'Afrique noire", PUF, 1955.

(2) MINADER / DESA / AGRI-STAT N° 16, <http://www.minader.cm/uploads/DESA/AGRI-STAT%2016.pdf>

